

SUPPORT FOR THE AMENDMENTS

Claim 1 has been amended.

Claim 2 has been canceled.

The amendment of Claim 1 is supported by the specification at pages 3-21, original and previously presented Claim 2, and the Examples.

No new matter has been added by the present amendment.

REMARKS

Claims 1 and 3-7 are pending in the present application.

At the outset, Applicants wish to thank Examiner Steele for the indication in paragraph 2 (page 3) and page 15, lines 5-8 of the Office Action mailed December 28, 2009, that Claim 2 is allowable if rewritten in independent form. Consistent with this recognition and indication, Applicants have amended the claims herein to add the limitations of Claim 2 into Claim 1. Thus, the outstanding rejections are believed to be moot and should be withdrawn.

The rejection of Claims 1-6 under 35 U.S.C. §112, first paragraph (written description), is respectfully traversed.

The Examiner continues to reject Claim 1 alleging that limitation “wherein microfine fiber bundle (A) does not contain microfine fibers made of non-elastic polymers and that microfine fiber bundle (B) does not contain microfine fibers which have a single fiber fineness of 0.5 dtex or less and which are made of an elastic polymer having a JIS A hardness of 90 to 97” as set forth in Claim 1 is not supported by a sufficient written description. The position is summarized on pages 3 and 13 of the Office Action mailed December 28, 2009, and relates to the interpretation that the bundles as claimed are an intermediate structure that is destroyed by the entanglement process. Applicants make no statement with respect to the propriety of this ground of rejection and in no way acquiesce to the same.

Despite the inclusion of Claim 2 in the heading to this rejection, consistent with the Examiner’s recognition and indication at paragraph 2 (page 3) and page 15, lines 5-8 of the Office Action mailed December 28, 2009, Applicants believe that the amendment herein to

add the limitations of Claim 2 into Claim 1 render this rejection moot. Specifically, with the amendment herein the bundle (A) laterally sticks together while keeping the original fibrous shape and the sticking length is 2/3 or less of the fiber diameter. It is believed that this amendment addresses the Examiner's concerns and criticisms with respect to Claim 1 and the written description. As such, this rejection is believed to be moot.

Accordingly, Applicants request withdrawal of this ground of rejection.

The rejections of: (a) Claims 1 and 6 35 U.S.C. §103(a) over Nakayama et al - EP (EP 1067234); (b) Claims 1 and 6 under 35 U.S.C. §103(a) over Nakayama et al - EP (EP 1067234) in view of Yamakawa (US 6,784,127); (c) Claims 3-5 over Nakayama et al - EP (EP 1067234) in view of Yamakawa (US 6,784,127); and Kato et al (US 4,476,186); (d) Claim 3 under 35 U.S.C. §103(a) over Nakayama et al - EP (EP 1067234) in view of Yamakawa (US 6,784,127) in view of Minami et al, are obviated by amendment.

Applicants make no statement with respect to the propriety of this ground of rejection and in no way acquiesce to the same. Solely to expedite examination of this application and consistent with the Examiner's recognition and indication at paragraph 2 (page 3) and page 15, lines 5-8 of the Office Action mailed December 28, 2009, Applicants have amended the claims to add the limitations of Claim 2 into Claim 1. Accordingly, these grounds of rejection are believed to be moot.

Withdrawal of these grounds of rejection is requested.

The rejection of Claims 1, 2, and 4-6 under the doctrine of obviousness-type double patenting over Claim 1 and 15 of Nakayama et al - US (U.S. 6,767,853) is respectfully traversed.

Applicants believe that the inclusion of Claim 2 in this rejection is an error by the Examiner. Again, Applicants note that Nakayama et al - EP is the European counterpart to Nakayama et al - US. At paragraph 2 (page 3) and page 15, lines 5-8 of the Office Action mailed December 28, 2009, the Examiner recognizes that the disclosure of Nakayama et al - EP does not disclose or suggest the limitations of Claim 2 and, therefore, has recognized and indicated that Claim 2 is free from the art of record and is allowable. Applicants submit that this recognition and indication applies to Claims 1 and 15 of Nakayama et al - US as well noting that this is the US counterpart to the Nakayama et al - EP. Accordingly, for the same reasons recognized by the Examiner with respect to Nakayama et al - EP the claims as amended to include the limitations of Claim 2 are not obvious in view of Claims 1 and 15 of Nakayama et al - US.

Specifically, as explained in great detail in the response filed on September 14, 2009, at pages 9-22 (incorporated herein by reference), the structure defined in the leather-like sheet substrate of the claimed invention and the fibrous substrate defined in Nakayama et al - US contains significant and non-obvious differences. Applicants contend that when the claims and the support offered in the present specification for the limitation “wherein microfine fiber bundle (A) does not contain microfine fibers made of non-elastic polymers and that microfine fiber bundle (B) does not contain microfine fibers which have a single fiber fineness of 0.5 dtex or less and which are made of an elastic polymer having a JIS A hardness of 90 to 97” is properly considered in conjunction with the requirement that “the microfine fibers in the microfine fiber bundle (A) inside the leather-like sheet substrate partially stick to each other,

such that the elastic microfine fibers in the microfine fiber bundle (A) laterally stick together while keeping their original fibrous shape, and that the sticking length is 2/3 or less of the fiber diameter when measured on a cross section perpendicular to the lengthwise direction of fibers", the claimed invention is clearly distinct from that disclosed and claimed in Nakayama et al – US.

Applicants submit that this ground of rejection should be withdrawn.

Acknowledgement to this effect is requested.

Finally, with respect to the non-elected method claims, Applicants remind the Examiner of MPEP §821.04. Accordingly, upon a finding of allowability of the elected product claims, Applicants respectfully request rejoinder of the withdrawn process claims that depend therefrom.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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